

98 CRIM 659

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

:

SEALED

INDICTMENT

- v. -

:

08 Cr.

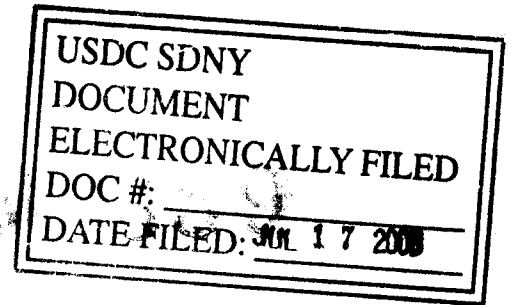
DANIEL RENDON HERRERA,
a/k/a "Don Mario,"

:

Defendant.

:

COUNT ONE



(Narcotics Importation Conspiracy)

The Grand Jury charges:

1. From at least in or about 1998 up to and including the present, in the Southern District of New York and elsewhere, DANIEL RENDON HERRERA, a/k/a "Don Mario," the defendant, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that DANIEL RENDON HERRERA, a/k/a "Don Mario," the defendant, and others known and unknown, would and did import into the United States from a place outside thereof five kilograms and more of a mixture and substance containing a detectable amount of cocaine, in violation of Sections 812, 952(a), and 960(b)(1)(B) of Title 21, United States Code.

3. It was further a part and an object of the conspiracy that DANIEL RENDON HERRERA, a/k/a "Don Mario," the defendant, and others known and unknown, would and did distribute

JUDGE SCHREIBER

a controlled substance, to wit, five kilograms and more of a mixture and substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 959, 960(a)(3) and 960(b)(1)(B) of Title 21, United States Code.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, DANIEL RENDON HERRERA, a/k/a "Don Mario," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 970, any and all property constituting and derived from any proceeds that the defendant obtained directly and indirectly as a result of the said violation and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to, a sum of money representing the amount of proceeds obtained as a result of the offense described in Count One of this Indictment.

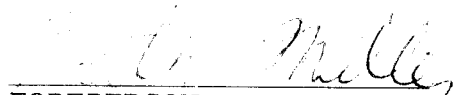
Substitute Assets Provision

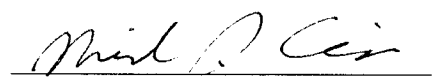
5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 970, to seek forfeiture of any other property of the defendant up to the value of the forfeitable property.

(Title 21, United States Code, Sections 963 and 970.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

- v. -

DANIEL RENDON HERRERA

Defendant.

INDICTMENT

08 Cr. ____

(Title 21, United States Code, Section 963)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.